IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8761 of 2002

Between:

1. Mallisettu Ammulu wife of M.Prasad
2. Mallisettu Ravindran son of late Ramanaiah
3. Mallisettu Suri Babu son of LateRamanaiah

(All are agriculturists, R/o.Alluru village, chittamur Mandal, Nellore District.)

..... PETITIONERS

AND

1. The Divisional Forest Officer,(Territorial), Nellore
2. The Deputy range Officer, Naidupet, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, Under Article 226 of the Constitution of India declaring the action of the respondents in threatening the petitioners stating that they will remove the bunds of the Aqua ponds and paddy cropl threatening the petitioners not to enter the land, threatening to remove the electricity connection, obstructing the agricultural operations of the petitioners in the land extent Ac.3.00 cents in S.No.427-63p; extent Ac.2.28 cents inS.No.427-63p; extent Ac.2.28 cents inS.No.427-63p of Aruruvillage, Chittamur Mandal, Nellore District belonging to the petitioners is arbitary, illegal, without jurisdiction and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners without creating any

obstructions in the land belonging to the petitioners situated in Aruru village, Chittamur Mandal, Nellore District in the interest of justice.

Counsel for the Petitioner:MR.CH.CKRISHNA REDDY

Counsel for the Respondents.: GP FOR FORESTS

The Court made the following :

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ORDER:-

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Forest.

Petitioners herein, who claim to be the owners of the land in S.Nos. 427-63P of an extent of Ac.7-26 cents situated in Aruru village, Chittamur Mandal, Nellore District, having purchased the same from the then owner, who claimed it as assigned land, filed this writ petition, inter alia, seeking writ of Mandamus to declare the action of the respondents herein in trying to interfere with their possession and also in threatening to remove the electricity connection etc., as illegal and void.

The case of the petitioners is that the subject land is a private patta land and yet, the respondents herein, especially the Forest Department authorities are interfering with their possession of the land under erroneous ground that the subject land is a Forest land. Hence the writ petition.

In the counter-affidavit filed by the respondent, it is stated by the second respondent that the land in question do not come under Reserve Forest.

Having regard to the statement made in the counter-affidavit and also taking into consideration the case of the petitioners, the writ petition is allowed as prayed for. No costs.

28—07—2004.

Stv/-

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devender Gupta, the Chief Justice on this Wednesday the Twenty Eighth day of July Two Thousand and Four.

To

1. The Divisional Forest Officer, (Territorial), Nellore.
2. The Deputy Range Officer, Naidupet, Nellore.
3. Two CCs to the G.P for Forests, High Court Buildings, Hyderabad.(O.U.T).
4. Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

ORDER

in

WRIT PETITION NO : 8761 of 2002

28th JULY 2004

stv